

THE MORNING APPEAL.

The Official Paper of Ormsby County
THURSDAY APRIL 25

THE DOORS STILL CLOSED, BUT THE "APPEAL'S" COURT REPORTER KEEPS CARSON POSTED.

Some Sensational Evidence By
Mason and Hirsch Harris.

At 10 o'clock yesterday Mr. Mason resumed his testimony for the Government. He was questioned a good deal by General Clark to bring out more positively the facts elicited by his testimony of the day before and much time was consumed going over the ground again. He reiterated the statement that the stealing began after the clean up of June '92. He was very positive on this point and explained how the system of book-keeping in the Mint clearly demonstrated that fact.

CROSS-EXAMINED.

Coffin for the defense took the witness and asked him a good many questions, evidently with a view of confusing him. The witness was perfectly cool and answered each one as urbanely as he did a direct examination. He was as polite to Coffin as to Clark and calm as a Summer morning all the while.

Finally the question was put point blank.

"Have you a personal feeling against the defendant, Jones?"

The witness replied: "None whatever, or against any one else in this case. I was sent from Washington to find out where the shortage was and it is immaterial to me where the facts direct me. I am here to find the one who is guilty if possible, and the Government only desires to punish the guilty and recover the amount stolen. I have reasons for believing that the defendant is the guilty one and this is why the Government has begun proceedings against him. Personally I have no feeling in the matter whatever."

"Did Harris tell you that he thought Jones guilty when you came here?"

"No sir."

"Didn't you also find out that bullion had been stolen under the present administration?"

"Yes."

"How did you discover it?"

"Mr. Harris the Melter and Refiner discovered it, and reported it."

"When did he report it?"

"He reported it as soon as he discovered it. I think early in February. (The discovery was made by Harris on February 10. The missing bar weighed 39 oz. and was worth about \$730 Rep.)"

"What did he think had become of the bar?"

"He thought it was stolen."

"What other matters did Harris's letter to Adams contain?"

"It was all in relation to the short age."

"How did he account for it?"

"He said that bars had been stolen, or else were of such a character that they did not hold up to their assay value."

Mr. Coffin then discussed Mason's theories of the case. He said he had some theories in the case, but had endeavored to get at the facts.

Mr. Summerfield prompted Coffin to question frequently during the cross examination.

When he paused for a moment, Mr. Woodburn rose up and said he desired to ask a question relative to the Standard mine, melt entered originally in the gold book as No. 77.

Commissioner Edwards glanced at the clock, and remarking that it was 12 announced that there would be a recess until 1 o'clock.

AFTER RECESS.

The cross examination of Mr. Mason was resumed in the afternoon session. All attempts to rattle the witness on the part of Coffin failed. The matter of theories was again reverted to, and witness said his theory based on his investigation was that the first stealing took place in June of 1893, when the Standard Mine deposit of \$23,000 came to the Mint.

After the ten and one-third bars had been remelted \$20,000 in gold had been taken out and silver substituted, so that the bars after remelting were only worth about \$3,000.

What he had before testified to relative to his conversation with Jones regarding the matter was gone over. He said he had told Jones that he considered that the change in the bars could only have occurred in his department, and Jones had replied: "Well that looks pretty rough for me," or words to that effect.

JONES' DUPLICATE KEY.

Another thing that strengthened

the theory of the witness was the fact that Harris had found a duplicate key to the Refinery in Jones desk. The evidence came out quite unexpectedly to the defense and caused the attorneys to put their heads together. Witness continued that the only key to the room which was supposed to exist, was in the hands of the Superintendent. Harris had told him that he had found the key in Jones desk about the time he had suspended him.

Coffin's cross examination continued on the theory that the shortage occurred after the Silver administration came in, and from the questions it was manifest that the defense would be made on these lines.

Mason was asked by Coffin if his orders were to fasten the shortage on any administration or person.

"No sir, I have investigated everything that I could learn of street rumors, and from every source possible, both in and outside of the Mint."

"Has anyone tried to influence your investigation?"

"No sir."

"Do you know of bullion being taken in the Mint at any time to make good the Melter and Refiners accounts?"

"Yes sir. Mr. Jones told me he took in \$560 in June, 1894."

"When does your investigation show that the first shortage existed?"

"I think in 1892 before the annual settlement."

"Why do you think so?"

"Because of melts in the settlement of that year, and 1893 and 1894 that I consider to be like the one here in Court; bogus."

"Have you investigated any or all of the melts?"

"Yes sir. I asked Mr. Jones what they were. He said they represented the slums from the Refinery."

"Why do you suspect them?"

"I never knew in my experience or heard of slum melts having such a high proportion of gold."

Here he read the slums of 1893. Nos. 131-23433, all being over 300 gold fineness and compared these with the slum melts of preceding years when they ran from 40 to 200 fine in gold.

"Have the present officers tried to keep anything back from you?"

No sir, on the contrary they have been both willing and anxious to aid me in every possible way."

Here Mason explained how the bogus melt could have been made from bullion in the Mint, and cited a deposit that contained 19 1/2 gold and 943 silver that was the exact recorded fineness Dec. 17th, 1894, of the bogus melt. Coffin immediately jumped onto this and to his surprise learned that the deposit had been turned over by Mr. Harris in settlement April 1895. During all of Mason's cross examination he and Coffin had many tilts and Mason each time came off a shade the best of the "learned counsel," the term by which he always addressed Coffin.

Mason was asked if the bogus melt could have been made without the complicity of the Melter and Refiner or his assistant.

"No Sir, and I think the melt No. 164 was made under Jones supervision the latter part of June 1893, and the other that made up the deficit came down from the years 1892 and 93."

After further examination by Clark he was excused and Hirsch Harris called.

He showed that the melt of November 1892 for which the bogus one was substituted, when it was delivered by the Superintendent, had the No. 77 on it, the bogus melt had no such number.

HARRIS' TESTIMONY.

Harris stated that on June 1st, when he took charge, Zabriske was not ready to turn over his bullion, but kept scraping and melting until June 8 and 9.

"How was the delivery made when you received the bullion from Zabriske?"

"The delivery took place in his vault. Mr. Jones my assistant Melter and Refiner supervised it and Mr. Elrod did the weighing. I merely checked the list furnished me by Bower. The bullion was put on the trucks, weighed and put back in the vault."

"Was this bogus melt among the delivery?"

"Yes sir."

"Has it been in your possession ever since?"

"Yes sir."

"Could any one have made it during your term without your knowledge?"

"No sir."

"When did you first mistrust that something was wrong with your gold?"

"In October."

"Did you speak to Mr. Jones about it?"

"Yes sir. He told me it was alright and would be found in the slums."

"When did you first know of a shortage?"

"After the returns from the nitric

acid gold from the Refinery in January. The returns showed a shortage of 1500 standard ozs. I then decided to have a clean up in my department."

"Did Mr. Jones when he went to San Francisco know that you were short?"

"Yes sir. I told him everything. While he was gone Mr. Ellis and myself checked the gold and Mr. Noware and Mr. Ravecraft the silver. When Jones came back he advised checking again and we weighed all the bullion including the bogus melt No. 164, which Mr. Jones did not discover to be bogus, although looking for such melts."

George Likens took the stand but his evidence was inaudible to the APPEAL reporter who was not inside the Court room.

The Court adjourned at 4:30. Last evening Mr. Mason requested the APPEAL to state that the paragraph in the Tribune to the effect that he desired closed doors was untrue.

INTER STATE COMPLICATION

Three Sheriff's and a Fugitive Cattle Thief Mixed at Winnemucca

The following is the Silver State's account of the trouble at Winnemucca:

Sheriff D. C. Kavanaugh of Platt county, Neb., was arrested by Sheriff Hadley yesterday on a telegraphic warrant sworn out by Justice of the Peace Wilkins of Battle Mountain. The warrant charges Sheriff Kavanaugh with impersonating an officer and unlawfully taking one Michael Lamb into custody. The constable of Battle Mountain came down yesterday, accompanied by Lawyer Dennis, and this morning returned with Mr. Kavanaugh, who will be tried by the mighty arm of justice at Batt's Mountain for the high crime of taking charge of a convicted thief, for whom he had lawful requisition papers.

The facts of the apprehension of Lamb were stated in yesterday's issue. On account of the unsafeness of the Battle Mountain jail Sheriff Kavanaugh did not like to leave a prisoner there for whom he had come so far, and so brought Lamb here for safe keeping until he could go to Carson, have his papers endorsed, and procure the necessary warrant from the Governor. The course of the Battle Mountain authorities will only result in an annoying delay to the Nebraska sheriff.

To hold his prisoner, Michael Lamb, Sheriff Kavanaugh swore out a warrant charging him with fleeing from justice, and Lamb was committed to the county jail, by Justice Rougan, where he will remain until the Sheriff takes him back to Nebraska.

A dispatch to the Enterprise gives this version:

LATER.

Battle Mountain, Nev., April 23—Michael Lamb, a fugitive from Nebraska justice was held in this county awaiting requisition from Governor Jones of this State. Sheriff Kavanaugh, with Sheriff Wright, arrived here on the train yesterday and overpowered Deputy Sheriff Williamson, took Lamb and left on the train. Williamson swore out a complaint for the arrest of the two Sheriffs. Kavanaugh was arrested with Lamb in his possession at Winnemucca and both were held. Sheriff Hadley of Humboldt county refuses to surrender Lamb to the Lander county authorities. Complications are likely to follow in three States and two counties.

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